

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

VICKIE L. ZERBY

:
:
:
:
:
:
:
:
:

CRIMINAL NO. 1:CR-01-328

ORDER

By letter received July 18, 2005, Defendant requested appointment of counsel to assist her in filing a motion pursuant to "Rule 3500." This court presumes Defendant intended to cite to Federal Rule of Criminal Procedure 35.

A motion pursuant to Federal Rule of Criminal Procedure 35 may be considered to (a) correct a sentence resulting from arithmetical, technical or other clear error and must be filed within seven (7) days of sentencing; or (b) upon motion of the Government within one year of sentencing or more than one year for substantial assistance. Defendant does not qualify for Rule 35 relief and therefore appointment of counsel would be an act of futility.

IT IS THEREFORE ORDERED THAT:

1) The letter received July 18, 2005 is deemed a motion for appointment of counsel.

2) The motion for appointment of counsel is denied.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: July 25, 2005.